



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 14, 1996

Ms. Marcelle Sattiewhite Jones
Assistant City Attorney
City of Arlington
200 West Abram Street
P. O. Box 231
Arlington, Texas 76004-0231

OR96-1867

Dear Ms. Sattiewhite Jones:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101315.

The City of Arlington (the "city") received a request for information related to the "appraised values of the 34 properties along Johnson Creek that have been selected for the city's buyout program." You assert that the city may withhold the appraisal reports concerning the properties pursuant to section 552.105 of the Government Code. You have submitted representative samples of the appraisal reports the city believes are exempt from required public disclosure.¹ We have considered the exception you claim and have reviewed the documents at issue.

Section 552.105 excepts from disclosure information relating to:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contract for the property.

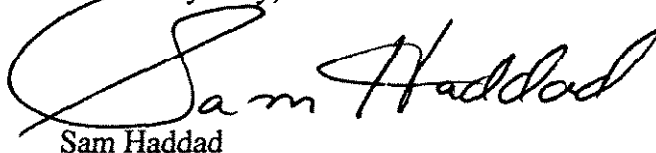
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

This exception is designed to protect a governmental body's planning and negotiating position in transactions involving the purchase of real or personal property for a public purpose. Open Records Decision Nos. 564 (1990), 357 (1982), 310 (1982). Whether a particular appraisal report falls under section 552.105(2) is a question of fact. This office will accept a governmental body's good faith determination that release of an appraisal report would damage its future negotiating position, unless the contrary is clearly shown as a matter of law. *Id.* Section 552.105 excepts information pertaining to negotiations for the acquisition of real or personal property until the transaction has been completed. Open Records Decision No. 310 (1982).

You have submitted for our review appraisal reports for certain properties under consideration by the city. You claim that agreements have not been reached with the property owners for purchase of those properties. You contend that the premature release of the requested information "would harm the City's negotiating position to obtain a fair and reasonable price and to use wisely its limited funds." We believe the information you submitted consists of "information relating to . . . appraisals or purchase of real or personal property for a public purpose." Accordingly, we conclude that the city may withhold the appraisal reports from required public disclosure under section 552.105 of the Government Code. However, once the transaction has been completed, the appraisal reports and related information may no longer be withheld, unless excepted from disclosure by some other provision of the Open Records Act. Open Records Decision No. 310 (1982).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad", written over a horizontal line.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 101315

Enclosures: Submitted documents

cc: Ms. Rosa Maria Santana
Reporter
Arlington Morning News
1112 Copeland Road, Suite 400
Arlington, Texas 76011
(w/o enclosures)